

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F052063 In re Ezra D., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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The order terminating parental rights is reversed, subject to the following limited remand. The matter is remanded to the superior court with directions to promptly conduct an ICWA inquiry of appellant (§224.3) and proceed accordingly as well as to assure that the agency gives ICWA notice to the Kialegee Tribal Town of the Creek Indian Nation of Oklahoma, The Muscogee (Creek) Nation of Oklahoma, the Poarch Band of Creek Indians of Alabama and the Thlopthlocco Tribal Town of the Creek Nation of Oklahoma. (25U.S.C. § 1913; § 224.2.) With regard to notice to the four Creek Indian tribes, respondent shall document its efforts to provide such notice by filing such documentation and any and all responses received with the trial court. (§224.2, subd. c.) If any tribe responds by confirming that the child is or may be eligible for membership within 60 days of sending proper notice under ICWA (Cal. Rules of Court, rule 5.664(f)(6)), the court shall proceed pursuant to the terms of the ICWA and is hereby authorized to vacate, in whole or in part, any prior finding or order which is inconsistent with ICWA requirements. If there is no such confirmation within 60 days that the child is or may be eligible for Indian tribal membership, the court shall immediately reinstate the order terminating parental rights.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049312 People v. Lincoln General Insurance Company

The judgment is affirmed. Respondent shall recover its costs on appeal. Harris, J.

We concur: Vartabedian, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050903 People v. Tovar

The judgment is affirmed. Harris, J.

We concur: Vartabedian, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F053185 Shantel J. v. The Superior Court of Stanislaus Co.; Stanislaus Co.
Community Services Agency**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F052397 Ruh v. Valverde, as Director, etc.

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F052736 People v. Schuh

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 8.316(b)(2), California Rules of Court, it is further ordered that the remittitur issue forthwith.